



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

MAR 15 2006

(AE-17J)

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

John Staton, Site Manager  
Perma-Fix of Dayton, Inc.  
300 S. West End Avenue  
Dayton, Ohio 45427

Re: Notice of Violation

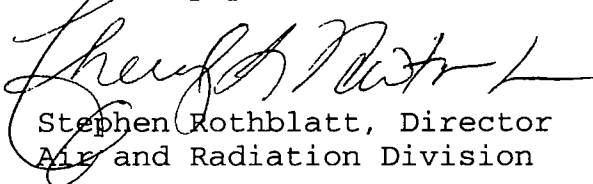
Dear Mr. Ellis:

The United States Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Perma-Fix of Dayton, Inc. (you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you have violated the Ohio State Implementation Plan at your Dayton, Ohio facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action.

The EPA contact in this matter is Brian Dickens. You may call him at (312) 886-6073 to request a conference or inquire about this action.

Sincerely yours,

  
Stephen Rothblatt, Director  
Air and Radiation Division

cc: Scott Ellis, Business, Government & Legal Affairs Manager  
Perma-Fix Environmental Services, Inc.

John Paul, Supervisor  
Regional Air Pollution Control

Robert Hodanbosi, Chief  
Division of Air Pollution Control

2. Section 110 of the Act, 42 U.S.C. 7410, requires each state to adopt and submit to U.S. EPA for approval a State Implementation Plan (SIP) that provides for the maintenance, implementation and enforcement of the National Ambient Air Quality Standards. Under Section 110(a)(2) of the Act, 42 U.S.C. 7410(a)(2), each SIP must include a permit program to regulate the modification and construction of any stationary source of air pollution as necessary to assure that NAAQS are achieved. Pursuant to Section 113(a) and (b) of the Act, 42 U.S.C. 7413(a) and (b), upon EPA approval, SIP requirements are federally enforceable under Section 113. 40 C.F.R. 52.23.
3. On October 31, 1980, U.S. EPA approved Ohio Administrative Code (OAC) Rule 3745-31, permit to install regulations, as part of the federally enforceable SIP for Ohio. 45 Fed. Reg. 72146. Since then, U.S. EPA has approved several revisions to OAC 3745-31 into the federally enforceable SIP. The rules were substantially revised and approved as a revision

were substantially revised and approved as a revision to the SIP on September 8, 1993. 58 Fed. Reg. 47211.

4. OAC 3745-31-02(A) states that no person shall cause, permit, or allow the installation of a new source of air pollutants or allow the modification of an air contaminant source without first obtaining a permit to install (PTI) from the director of the Ohio Environmental Protection Agency (Ohio EPA).
5. OAC 3745-31-05(A)(3) states that the director of the Ohio EPA will issue a PTI only if the director determines that the installation or modification and operation of the air contaminant source will employ best available technology (BAT).

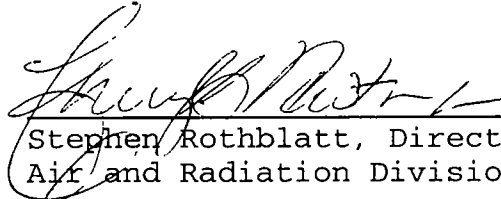
#### **Facts and Discussion**

6. Perma-Fix owns and operates waste treatment and recovery operations at its plant at 300 S. West End Avenue, Dayton, Ohio.
7. Perma-Fix owns and operates used oil and wastewater operations in Building B, wastewater and solid waste operations in Building G, and a biological treatment plant (bioplant). These operations include, but are not limited to, tanks BioSBR and BioVDR, T1, T2, R1, R2, T706B, and T602.
8. Used oil operations were expanded and wastewater operations began at the plant in or around July 1987. The bioplant was installed in or around November 2000.
9. Perma-Fix has not applied for PTIs for emission sources that are part of used oil and wastewater operations in Building B, Building G, and at the bioplant.

**Violations**

10. Perma-Fix has been in violation since July 1987 when Perma-Fix began wastewater operations and expanded the used oil operations in Buildings B and G without applying for permits under OAC 3745-31-02(A).
11. Perma-Fix has been in violation since November 2000 when Perma-Fix began operating the bioplant without applying for permits under OAC 3745-31-02(A).

3/15/06  
Date

  
Stephen Rothblatt, Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

I, Loretta Shaffer, certify that I sent a Notice of Violation, No. EPA-5-06-OH-05, by Certified Mail, Return Receipt Requested, to:

John Staton, Site Manager  
Perma-Fix of Dayton, Inc.  
300 S. West End Avenue  
Dayton, Ohio 45427

and

Scott Ellis, Business, Government & Legal Affairs  
Manager  
Perma-Fix Environmental Services, Inc.  
701 Scarboro Road, Suite 300  
Oak Ridge, TN 37830


I also certify that I sent copies of the Notice of Violation by first class mail to:

John Paul, Director  
Regional Air Pollution Control Agency  
Montgomery County Health Department  
451 West Third Street  
P.O. Box 972  
Dayton, Ohio 45422

and

Robert Hodanbosi, Chief  
Division of Air Pollution Control  
Ohio Environmental Protection Agency  
P.O. Box 1049  
Columbus, Ohio 43216-1049

on the 17 day of MAR, 2006.

  
Loretta Shaffer, Secretary  
AECAS, (MN/OH)

7001 0320 0006 1455 0891 - JS

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 1455 0884 - SE